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BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

MAHENDRA NATH, M.D.

Holder of License No. **10234**
For the Practice of Allopathic Medicine
In the State of Arizona.

Case No. MD-05-1208A

**INTERIM CONSENT AGREEMENT
FOR PRACTICE RESTRICTION**

INTERIM CONSENT AGREEMENT

By mutual agreement and understanding, between the Arizona Medical Board ("Board") and Mahendra Nath, M.D., ("Respondent") the parties agree to the following disposition of this matter.

1. Respondent has read and understands this Interim Consent Agreement and the stipulated Findings of Fact, Conclusions of Law and Order ("Interim Consent Agreement"). Respondent acknowledges that he understands he has the right to consult with legal counsel regarding this matter.

2. By entering into this Interim Consent Agreement, Respondent voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged, or to challenge this Interim Consent Agreement in its entirety as issued by the Board, and waives any other cause of action related thereto or arising from said Interim Consent Agreement.

3. This Interim Consent Agreement will not become effective until signed by the Executive Director.

4. All admissions made by Respondent are solely for interim disposition of this matter and any subsequent related administrative proceedings or civil litigation involving the Board and Respondent. Therefore, said admissions by Respondent are not intended or made for any other use, such as in the context of another state or federal

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1 government regulatory agency proceeding, civil or criminal court proceeding, in the
2 State of Arizona or any other state or federal court.

3 5. Respondent may not make any modifications to the document. Upon
4 signing this agreement, and returning this document (or a copy thereof) to the Executive
5 Director, Respondent may not revoke acceptance of the Interim Consent Agreement.
6 Any modifications to this Interim Consent Agreement are ineffective and void unless
7 mutually approved by the parties.

8 6. This Interim Consent Agreement, once approved and signed, is a public
9 record that will be publicly disseminated as a formal action of the Board and will be
10 reported to the National Practitioner Databank and on the Board's website.

11 7. If any part of the Interim Consent Agreement is later declared void or
12 otherwise unenforceable, the remainder of the Interim Consent Agreement in its entirety
13 shall remain in force and effect.

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15 MAHENDRA NATH, M.D.
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Dated: Dec. 16, 2005

1 **FINDINGS OF FACT**

2 1. The Board is the duly constituted authority for the regulation and control of
3 the practice of allopathic medicine in the State of Arizona.

4 2. Respondent is the holder of License No. 10234 for the practice of allopathic
5 medicine in the State of Arizona.

6 3. On December 8, 2005 the Board received a Disciplinary Alert Report that
7 the Medical Board of California had placed Respondent's license on probation after
8 Respondent was criminally convicted of a crime substantially related to the
9 qualifications, functions and duties of a physician pursuant to California law and after
10 the California Board made findings of gross negligence and unprofessional conduct.

11 4. Respondent has agreed to a restriction on his Arizona license prohibiting his
12 practice of medicine in Arizona.

13 5. There is evidence that if Respondent were to practice medicine in Arizona
14 there would be a danger to the public health and safety.

15 **CONCLUSIONS OF LAW**

16 1. The Board possesses jurisdiction over the subject matter hereof and over
17 Respondent.

18 2. The Executive Director may enter into a consent agreement with a physician
19 if there is evidence of danger to the public health and safety. A.R.S. § 32-1405(C)(25);
20 A.A.C. R4-16-404.

21 **ORDER**

22 IT IS HEREBY ORDERED THAT:

23 1. Respondent shall not practice clinical medicine or any medicine involving
24 direct patient care and is prohibited from prescribing any form of treatment including
25 prescription medications until Respondent applies to the Board and receives permission

1 to do so. The Board may require any combination of Staff approved physical
2 examination, psychiatric and/or psychological evaluations, or successful passage of the
3 Special Purpose Licensing Examination or other competency examination/evaluation or
4 interview it finds necessary to assist it in determining Respondent's ability to safely and
5 competently return to the active practice of medicine.

6 2. This is an interim order and not a final decision by the Board regarding the
7 pending investigative file and as such is subject to further consideration by the Board.

8 3. This Order supersedes all previous consent agreements and stipulations
9 between the Board and/or the Executive Director and Respondent.

10 DATED AND EFFECTIVE this 16th day of December, 2005.

11 ARIZONA MEDICAL BOARD

12 (SEAL):

13
14 By 
15 TIMOTHY C. MILLER, J.D.
Executive Director

16 ORIGINAL of the foregoing filed this
17 16th day of December, 2005 with:

18 The Arizona Medical Board
19 9545 East Doubletree Ranch Road
20 Scottsdale, AZ 85258

21 EXECUTED COPY of the foregoing mailed by
22 US Certified Mail this 16th day of December,
23 2005 to:

24 Mahendra Nath, M.D.
25 Address of Record